

Thomas J. Woodbury  
Forest Defense, P.C.  
618 Rollins St.  
Missoula, MT 59801  
(650) 238-8759  
tom@wildlandsdefense.org

Attorney for Plaintiffs

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION**

NATIVE ECOSYSTEMS COUNCIL and  
ALLIANCE FOR THE WILD ROCKIES

Plaintiffs,

VS.

MARY C. ERICKSON, Custer Gallatin National Forest Supervisor, LEANNE MARTEN, Regional Forester of Region One of the U.S. Forest Service, THOMAS L. TIDWELL, Chief of the U.S. FOREST SERVICE, an agency of the Department of Agriculture, and the U.S. FISH & WILDLIFE SERVICE, an agency of the Department of the Interior,

## Defendants

) 9:17-cv-00053-DLC  
)  
)  
)  
) PLAINTIFFS/APPELLANTS'  
) URGENT MOTION FOR  
) INJUNCTION PENDING APPEAL  
)  
) **7-DAY RELIEF REQUESTED**  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)  
)

COMES NOW THE PLAINTIFFS in the above-captioned matter, by and through their attorney of record, and having perfected their appeal of this Court's judgment

dated August 1, 2018 to the U.S. Court of Appeals for the Ninth Circuit, hereby move the Court for injunctive relief pending appeal. In support of this motion, Plaintiff/Appellants submit that they are likely to prevail in the Circuit Court on the merits, likely to suffer irreparable harm in the absence of injunctive relief, that the balance of equities tips in their favor, and that an injunction is in the public interest at this time. *Winter v. Natural Res. Def. Council, Inc.*, 555 U.S. 7, 22 (2008). In support of this motion, Plaintiff/Appellants are submitting a brief memorandum of cases and authorities. Counsel for the Defendant/Appellees has indicated his clients' opposition to this motion, and notified the undersigned that ground-disturbing activities could proceed in the Smith Shields Project as soon as September 10, 2018. Thus, Plaintiff/Appellants request expedited consideration of this motion, with relief by September 3, 2018.

Respectfully Submitted,

/s/ Thomas J. Woodbury  
Thomas J. Woodbury  
Attorney for Plaintiff/Appellants

#### CERTIFICATE OF SERVICE

The undersigned certifies that Defendants' counsel, Assistant US Atty. Mark Smith, has filed a notice of appearance in this case and therefore will be served via ECF.

/s/ Thomas J. Woodbury  
Thomas J. Woodbury  
Attorney for Plaintiff/Appellants